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REMARKS

Claims 1 and 3-12 are pending in the present application, of which claims 1, 3 and 9 are independent. No claims have been amended, canceled or added in this Response. Claims 3-5 and 9 were found to be allowable.

The rejection of claims 1, 6-8 and 10-12 under 35 U.S.C. § 112, first paragraph, has been maintained. Applicants traverse this rejection.

The final Office Action states that "the MPEP does not support the creation of ratio endpoint ranges from percentage data points used in the examples." In fact, this is exactly what is supported by M.P.E.P. § 2163.05(III), which describes a case where the specification disclosed a range of 25-60% and contained an example at 36%, and so "a limitation to 'between 35% and 60%' did meet the description requirement." In the case cited in the M.P.E.P., the endpoint of the range was amended from 25% to 35% based on a data point used in the examples. Therefore, in the present application, Applicants' specification supports the claim amendments submitted November 30, 2005, in which the amended endpoints also were drawn from data in the examples, and the rejection should be withdrawn.

The rejection of claims 1, 6-8 and 10-12 under 35 U.S.C. § 103(a) has been maintained. Applicants traverse this rejection.

The final Office Action states that the 1:1 ratio recited in claims 1 and 10-11 would have been obvious over the 1:1.33 ratio of the reference "due to the closeness of the claimed ratio and Yamaguchi's ratio." However, Yamaguchi does not disclose that there is any synergistic interaction at 1:1.33, or at any other ratio. Synergy cannot be predicted, and thus is always unexpected. Therefore, one skilled in the art could have no expectation based on Yamaguchi that synergy would be observed at 1:1, as recited in claims 1 and 10-11, or at 2.5:1, as recited in claims 6-8 and 12. The unexpected existence of synergy overcomes the finding of obviousness due to the closeness of the ratios, and the obviousness rejection should be withdrawn.

If the Examiner has any concerns regarding the application, Applicants respectfully request that the Examiner contact Applicants' undersigned attorney by telephone at (847) 649-3891 to discuss the issues.

Respectfully submitted,



Kenneth Crimaldi
Attorney for Applicants
Registration No. 40,968

Rohm and Haas Company
100 Independence Mall West
Philadelphia, PA 19106-2399

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